

**VILLAGE OF LAKE BARRINGTON  
MINUTES OF THE SPECIAL MEETING OF THE COMMITTEE OF THE WHOLE  
HELD NOVEMBER 3, 2010**

*Approved*

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**1. CALL TO ORDER**

A Special Committee of the Whole Meeting of the President and Board of Trustees of the Village of Lake Barrington was held at the Village Municipal Center, 23860 Old Barrington Road, on Wednesday, November 3, 2010, and was called to order by President Richardson at 6:09 p.m. Village Clerk Peterson was appointed Recording Secretary.

**2. ROLL CALL OF MEMBERS**

Upon the roll being called, the following Trustees were physically present at said location: Trustees Burke, DeJesu, Mitchell, Raclaw, Schaller, Schofield, and President Richardson.

Absent: None

The following Trustees were allowed by a majority of the members of the President and Board of Trustees in accordance with and to the extent allowed by rules adopted by the President and Board of Trustees to attend the meeting by video or audio conference: None.

No Trustee attended the meeting by video or audio conference.

The following Trustees were absent and did not participate in the meeting in any manner or to any extent whatsoever: None

**Staff Present:** Village Administrator Martin, Village Treasurer Purcell, and  
Village Clerk Peterson

**Others Present:** Village Attorney Bateman and Don Storino

**3. DISCUSSION: LEGISLATION**

President Richardson advised the Board that legislation was signed into law, Public Act 96-1400 - Common Interest Community Association Act, which could affect Lake Barrington Shores (LBS). He spoke with representatives of LBS and Michael Kim, the attorney who represents the LBS Master Board. Mr. Kim described his interpretation of the law as a case of unintended consequences. President Richardson is bringing the matter up to the Village Board to consider supporting amendatory legislation and to give guidance to Fidelity Consulting Group, if the Board wishes to proceed with action.

Mr. Bateman stated he spoke with the Village Board members who live in Lake Barrington Shores. He provided highlights of the law which was originally intended for townhome and homeowner associations, not condominium associations. It regulates elections of boards and how assessments are imposed and will change the structure of LBS governance as it has operated for the last 30 years. He suggested deleting reference to "master associations" in the Act.

Don Storino, Fidelity Consulting Group, briefed the Board on legislative history noting further research needed to be done on why master associations were deliberately added to the

legislation in the first House amendment. He explained a trailer bill could be introduced to amend the legislation and the challenges involved based on the legislative history.

President Richardson recounted his conversation with Mr. Kim regarding creation of a coalition bill and action that would need to be taken.

Trustee Schaller indicated the new Act will have a dramatic effect on the Lake Barrington Shores community and explained how it will change the way assessments are levied.

President Richardson asked the Board for direction with regards to allowing Mr. Storino to get more background information and then report back to the Board with the information and a plan for further consideration on future action.

#### **Discussion**

Board members were polled for comments which included support for getting more information, the fact LBS has 1,317 units which comprises more than half the households in the Village, and concern for how the changes in levying assessments might affect sales of smaller units. Upon inquiry, Trustee Schaller gave more detail on how the assessments are currently levied, how the assessments will be levied under the provisions of the Act, and the potential impact of the changes on homeowners, condo associations and the overall community association. Comments were made and discussion was held on concern for whether or not individual LBS homeowners would oppose the legislation and support Village involvement. It was suggested LBS unit residents sitting on the Master Board should be informed of the impacts and implications the legislation has on LBS residents, get feedback from them and then decide whether or not the Village should proceed. Comments were made on actions the LBS Master Board could take to get resident feedback.

President Richardson raised concern for the amount of time there is to take action to prepare for the next legislative session

Following discussion on how to proceed, the Board came to a consensus for concurrent action to have Mr. Storino do limited background research while Mr. Bateman informs Mr. Kim that the Village is doing further investigation, that the Board is interested in getting feedback from the LBS Master Board members, and to suggest that he provide the LBS Master Board with a briefing memo.

#### **4. ADJOURNMENT**

A motion was made by Trustee Schaller and seconded by Trustee Raclaw to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 6:50 p.m.

Respectfully submitted,

Loretta Peterson  
Village Clerk  
Recording Secretary